

**TCEQ DOCKET NO. 2023-0862-MWD**

**APPLICATION BY** §  
**TIMOTHY EDWARD CARTER AND** §  
**GILDEN B. BLACKBURN FOR** §  
**TPDES PERMIT NO. WQ00016124001** §

**BEFORE THE**  
**TEXAS COMMISSION**  
**ON ENVIRONMENTAL QUALITY**

**FM 1189’S REPLY TO RESPONSES TO HEARING REQUESTS**

COMES NOW FM 1189 LLC, Bartlett Ranch Brock LLC, Series A EGHB Investments LLC, and Series A 1189 Storage LLC (collectively, “FM 1189”), who share common ownership and own property located within less than 1/4 mile and downstream from the proposed Texas Pollution Discharge Elimination System (“TPDES”) permit application and facility (“Application”). FM 1189 files this Reply to Responses to Hearing Requests and Motion for Reconsideration (“Reply”) in this docket for the Application filed by Timothy Edward Carter and Gilden Blair Blackburn (“Applicants”) for a TPDES permit. In Reply to the Responses to Hearing Requests previously filed, FM 1189 would show as follows:

**I. Reply**

The Commission received two responses to FM 1189’s request for a contested case hearing. The respondents were: the Executive Director and the Office of Public Interest Counsel. FM 1189 will address each response in turn.

**OPIC**

The Office of Public Interest Counsel (“OPIC”) found that FM 1189 meets the definition of an affected person and recommends that their request for a contested case hearing be granted. FM 1189 fully supports the OPIC’s analysis and recommendation as to the FM 1189’s status as an affected person. In particular, OPIC observed that FM 1189 was included in the affected

landowners list and map as being located along the discharge route within one mile downstream of the proposed discharge. *See* OPIC Response to Requests for Hearing at 7. Indeed, to be sure, FM 1189 attaches as Exhibit A the landowner map and list that the Applicants included with their Application.

### **EXECUTIVE DIRECTOR**

The Executive Director states that FM 1189 are not affected persons because they failed to include a physical address. Furthermore, the Executive Director incorrectly states that the “entities included in FM 1189 are not included in the affected landowners list for this application.” *See* Executive Director’s Response to Hearing Requests at 5. To be sure, included in this Reply as Exhibit A is the landowners list and map included by the Applicants in their Application. As can be seen, FM 1189, LLC, Series A 1189 Storage, LLC and Series A EGHB Investments, LLC were included in the affected landowners list. All of those entities share common ownership and submitted timely comments and requests for contested case hearings by the undersigned. As can also be seen in Exhibit A, Parcel 3, which is owned by FM 1189, LLC, sits directly across the road from Applicant’s discharge point and is the land upon which the majority of the discharge route crosses.

In its request for contested case hearing, the undersigned provided reference to FM 1189’s location in conjunction with Applicant’s discharge point (“.20 miles from FM 1189’s property line”) along with the distance of a large lake that also sits on FM 1189’s property (approximately ½ mile from the discharge point). Furthermore, the presence of FM 1189 in the Applicant’s landowner list and map appeared to be sufficient evidence to be deemed in compliance with the distance restrictions of 30 TAC § 55.203(c)(2). To remove all doubt about FM 1189’s status as an

affected person, please consider the following addresses for the parties represented in the timely requests for contested case hearing:

1. FM 1189 LLC

Mailing address: 3655 Lazy Bend Rd  
Millsap, Texas 76066

Physical address: 400 FM 1189  
Weatherford, Texas 76087

Legal description(s): 1.000, Abst: 857, Survey: MINKEL HEINRICH, TR:, BLK:, SURV: HEINRICH MINKEL; 23.538, Abst: 2785, Survey: GLOVER A B, TR:, BLK:, SURV: A B GLOVER; 94.105, Abst: 857, Survey: MINKEL HEINRICH, TR:, BLK:, SURV: HEINRICH MINKEL

2. Bartlett Ranch Brock LLC

Mailing address: 3655 Lazy Bend Rd  
Millsap, Texas 76066

Physical address: 7593 Wolf Hollow  
Millsap Texas 76066

7597 Wolf Hollow  
Millsap, Texas 76066

Legal description(s): 4.070, Abst: 80, Survey: BROWN ALBERT B; 101.350, Abst: 1490, Survey: T & P RR CO; 35.100, Abst: 2785, Survey: GLOVER A B; 43.932, Abst: 857, Survey: MINKEL HEINRICH; 141.750, Abst: 1229, Survey: SMITH TULLIUS B; 170.580, Abst: 85, Survey: BRASHEAR JOHN W

\*\* Please note that Applicant's landowner map lists Bartlett Ranch West, LLC as the owner of the above land. This is incorrect. Bartlett Ranch Brock LLC is the owner of the land listed as Bartlett Ranch West LLC in Exhibit A.

3. Series A EGH B Investments LLC

Mailing address: PO Box 227  
Dennis, Texas 76439

Physical address: 330 FM 1189  
Brock, Texas 76087

Legal description: 2.180, Lot: 1, Blk: 1, Subd: P&P SUBDIVISION

4. Series A 1189 Storage LLC

Mailing address: PO Box 227  
Dennis, Texas 76087

Physical address: 330 FM 1189  
Brock, Texas 76087

Legal description: 2.140, Lot: 2A, Blk: 1, Subd: P&P SUBDIVISION

Hence FM 1189 satisfies the distance restrictions set forth in 30 T.A.C. § 55.203(c)(2) and should be deemed an affected person.

## II. Conclusion

FM 1189 reasserts and incorporates by reference all the concerns and issues raised in their Request for Reconsideration and Contested Case Hearing filed with the Commission on May 10, 2023. Thus, FM 1189 respectfully requests the Commission:

- (1) Grant FM 1189's Motion to Reconsider; and
- (2) In the alternative, name FM 1189 as an affected person and grant their request for a contested case hearing; and
- (3) Grant FM 1189 all other and further relief to which they are justly entitled.

Respectfully submitted,

/s/ J. Andrew Scott  
John Reed Clay Jr.  
State Bar No. 24072039  
[rclay@clay-scott.com](mailto:rclay@clay-scott.com)  
J. Andrew Scott  
State Bar No. 24106410  
[ascott@clay-scott.com](mailto:ascott@clay-scott.com)  
**CLAY SCOTT LLP**  
401 W 15<sup>th</sup> St  
Suite 870  
Austin, TX 78701

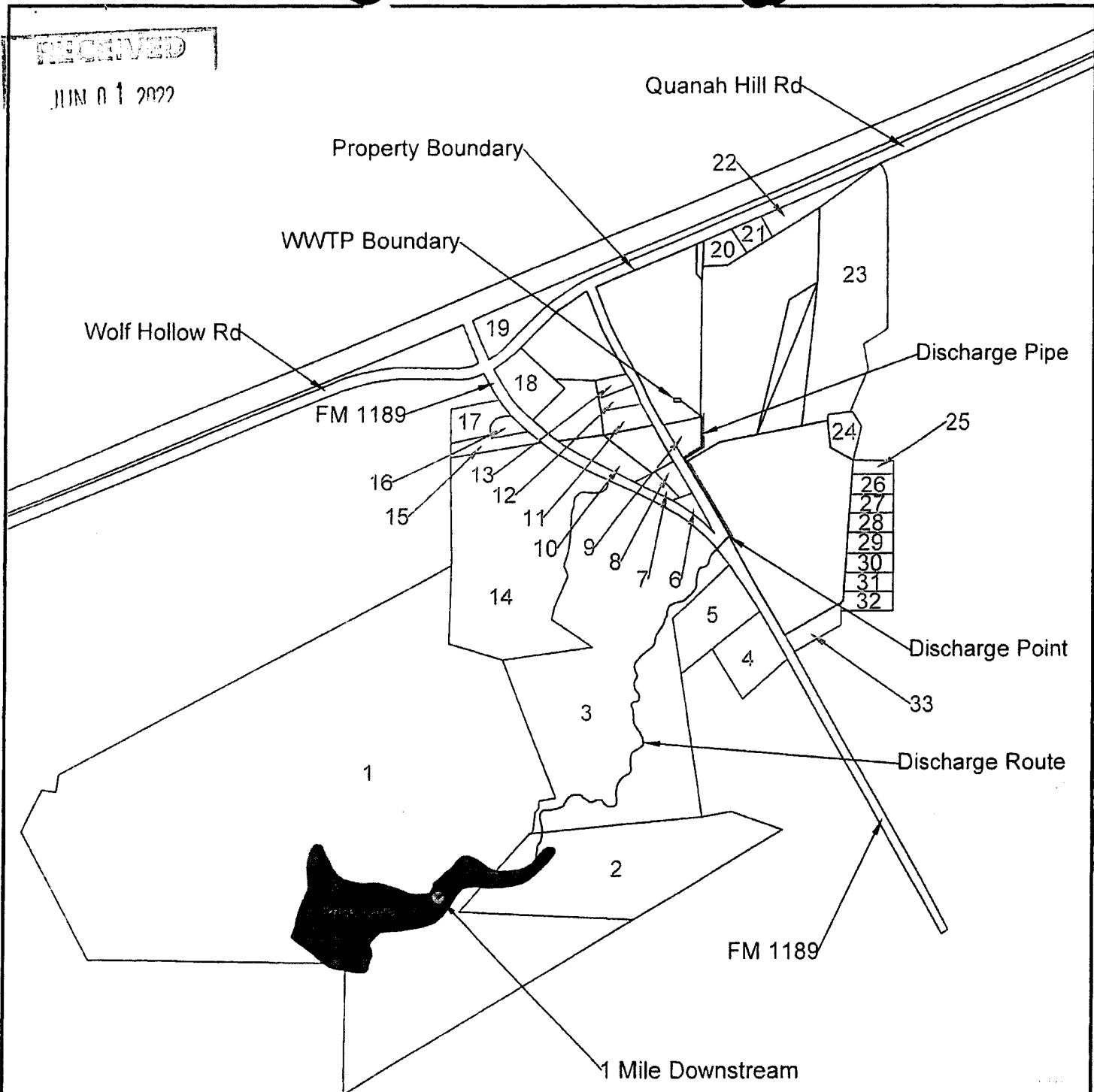
Dated: September 16, 2023

*Counsel for FM 1189*

## **EXHIBIT A**

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Note: All property boundaries outlined in blue are owned by either Timothy Edward Carter or Gilden Blair Blackburn



0' 600' 1200'

Date  
May 25, 2022

Drawn By  
TL

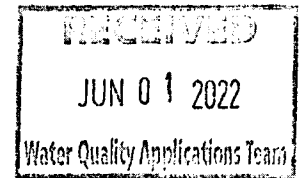
Scale  
AS SHOWN

consulting environmental engineers, inc.  
130 N. Harbor Drive - Suite 400 - Angleton, TX 77551  
(409) 426-0710 Fax: (409) 426-0711 email: ce@ceeinc.com  
Registered Name: #P-3323

Brock Spur WWTP  
Brock Junction  
Brock, Parker County, TX  
Affected Landowners Map

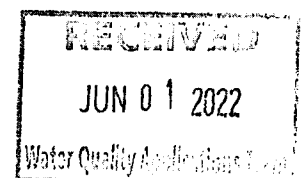
Sheet 002

Brock Spur  
Wastewater Permit Application  
Affected Landowners Cross Reference  
Exhibit IV



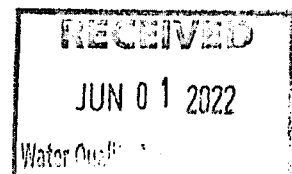
1. Bartlett Ranch West, LLC.  
2050 Meriwether Rd.  
Pike Road, AL 36064
2. Carole J & GLB Brashear, LLC.  
12801 N Central Expressway.  
Dallas, TX 75243
3. FM 1189, LLC.  
3655 Lazy Bend Rd.  
Millsap, TX 76066
4. Jones Harvie Wilson Estate of Horn Margaret  
120 Horn Lane  
Millsap, TX 76066
5. C.W. Wyler Sr.  
3401 FM 1189  
Brock, TX 76087
6. Parker County Special Utility District  
500 Brock Spur  
Millsap, TX 76066
7. Lifecare EMS Station 4  
444 Brock Spur  
Millsap, TX 76066
8. Lifecare EMS Station 4  
444 Brock Spur  
Millsap, TX 76066
9. William C. & Denise N. Burks  
401 Brock Spur  
Millsap, TX 76066
10. To whom it may concern  
411 FM 1189  
Weatherford, TX 76066
11. Kim Lorna Hull  
306 Brock Spur  
Millsap, TX 76066

12. Jon M. Barnett  
2912 Ranger Hwy  
Weatherford, TX 76088
13. Diane A. Thornhill  
PO Box 992  
Weatherford, TX 76086
14. FM 1189, LLC  
3655 Lazy Bend Rd  
Millsap, TX 76066
15. Series A 1189 Storage, LLC  
PO Box 227  
Dennis, TX 76439
16. Ronald L. & Sandra L. Hognestad Co Trustees  
PO Box 2379  
Weatherford, TX 76086
17. Series A EGHB Investments, LLC  
PO Box 227  
Dennis, TX 76439
18. Sonic Drive-In  
301 FM 1189  
Brock, TX 76087
19. Texas Department of Transportation  
125 E 11<sup>th</sup> St  
Austin, TX 78701
20. Brazos Valley, LLC  
PO Box 79  
Dublin, TX 76446
21. Linda Kelley  
7123 Quanah Hill Rd  
Weatherford, TX 76087
22. Robert L. Cole  
7025 Quanah Hill Rd  
Weatherford, TX 76087
23. XTO Energy, Inc.  
PO Box 64106  
Spring, TX 77387





24. Tisha Louise McDonald  
6827 Quanah Hill Rd  
Weatherford, TX 76087
25. Timothy & Barbara Easter  
157 Savannah Dr  
Weatherford, TX 76087
26. Jeremy & Heather Renee Hamscher  
153 Savannah Dr  
Brock, TX 76087
27. Percy R. & Kathryn Whitmire  
149 Savannah Dr  
Brock, TX 76087
28. Joe B. Raymond  
145 Savannah Dr  
Weatherford, TX 76087
29. Mary Elizabeth Lubke  
141 Savannah Dr  
Weatherford, TX 76087
30. Timothy J. & Jennifer Duggin  
137 Savannah Dr  
Weatherford, TX 76087
31. Cheryl Haralson Crudup  
133 Savannah Dr  
Weatherford, TX 76087
32. Michael K. Wylie  
129 Savannah Dr  
Weatherford, TX 76087
33. Justin Wade Perales  
125 Savannah Dr  
Weatherford, TX 76087



BARTLETT RANCH WEST, LLC  
2050 MERIWETHER RD.  
PIKE ROAD, AL 36064

CAROLE J & GLB BRASHEAR, LLC  
12801 N CENTRAL EXPRESSWAY  
DALLAS, TX 75243

FM 1189, LLC  
3655 LAZY BEND RD.  
MILLSAP, TX 76066

JONES HARVIE WILSON ESTATE  
OF HORN MARGARET  
120 HORN LANE  
MILLSAP, TX 76066

C.W. WYLER SR.  
3401 FM 1189  
BROCK, TX 76087

PARKER COUNTY SPECIAL  
UTILITY DISTRICT  
500 BROCK SPUR  
MILLSAP, TX 76066

LIFECARE EMS STATION 4  
444 BROCK SPUR  
MILLSAP, TX 76066

WILLIAM C. & DENISE  
N. BURKS  
401 BROCK SPUR  
MILLSAP, TX 76066

TO WHOM IT MAY CONCERN  
411 FM 1189  
WEATHERFORD, TX 76066

KIM LORNA HULL  
306 BROCK SPUR  
MILLSAP, TX 76066

JON M. BARNETT  
2912 RANGER HWY  
WEATHERFORD, TX 76088

DIANE A. THORNHILL  
PO BOX 992  
WEATHERFORD, TX 76086

SERIES A 1189 STORAGE, LLC  
PO BOX 227  
DENNIS, TX 76439

RONALD L. & SANDRA L.  
HOGNESTAD CO TRUSTEES  
PO BOX 2379  
WEATHERFORD, TX 76086

SERIES A EGH  
INVESTMENTS, LLC  
PO BOX 227  
DENNIS, TX 76439

SONIC DRIVE-IN  
301 FM 1189  
BROCK, TX 76087

TEXAS DEPARTMENT OF  
TRANSPORTATION  
125 E 11<sup>TH</sup> ST  
AUSTIN, TX 78701

BRAZOS VALLEY, LLC  
PO BOX 79  
DUBLIN, TX 76446

LINDA KELLEY  
7123 QUANAH HILL RD  
WEATHERFORD, TX 76087

ROBERT L. COLE  
7025 QUANAH HILL RD  
WEATHERFORD, TX 76087

XTO ENERGY, INC.  
PO BOX 64106  
SPRING, TX 77387

TISHA LOUISE MCDONALD  
6827 QUANAH HILL RD  
WEATHERFORD, TX 76087

TIMOTHY & BARBARA EASTER  
157 SAVANNAH DR  
WEATHERFORD, TX 76087

JEREMY & HEATHER  
RENEE HAMSCHER  
153 SAVANNAH DR  
BROCK, TX 76087

PERCY R. & KATHRYN  
WHITMIRE  
149 SAVANNAH DR  
BROCK, TX 76087

JOE B. RAYMOND  
145 SAVANNAH DR  
WEATHERFORD, TX 76087

MARY ELIZABETH LUBKE  
141 SAVANNAH DR  
WEATHERFORD, TX 76087

TIMOTHY J. & JENNIFER  
DUGGIN  
137 SAVANNAH DR  
WEATHERFORD, TX 76087

CHERYL HARALSON CRUDUP  
133 SAVANNAH DR  
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MICHAEL K. WYLIE  
129 SAVANNAH DR  
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125 SAVANNAH DR  
WEATHERFORD, TX 76087

